

Role of Police in Communal Riots

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7.1 Introduction

THE ROLE of police in democratic society should be different from that of police in the Colonial society. However, 65 years of our independence have passed but there is no change in the role of police. Today, our police have become even more Colonial in its attitude. It is highly caste conscious and communal in attitude with only few exceptions. There is gross misuse of power by the police forces with open partisanship in various communal riots.

The ideal purpose of police can be best described in the following words: “as a Law Enforcement Officer my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent and weak against violence and disorder; to keep the peace; and to ensure the constitutional rights of all to liberty, equality and justice.”¹ But it is a universal phenomenon that the police have been criticized and condemned for committing acts which are just contrary to the cherished ideal expressed in the above words.

The police force is the first institution to face the blow of communal violence and also is first pressed into service to quell a communal riot. It is involved very actively in all the three stages—incitement, violence and rehabilitation of victims. The popular expectations from the police are:

- 1) To maintain order fairly.
- 2) To impose law, irrespective of ranks/status of person.

¹ See the *Code of Conduct for Law Enforcement Officials*, available at: www.country.milwaukee.gov/LawEnforcementCodeof9154.htm

- 3) To register and look into all crimes which are reported.
- 4) To save the weak and poor against the goondas and bullies.
- 5) To maintain the ideal of a well trained and highly motivated force with excellent spirits.

As a guardian of law and protector of society, the need to act without prejudice is a *sine-quo-non* for police action in democratic polity. In fact, the behaviour of police in the riotous situation has been very often questioned.

The law gives power to the police to use force to curb disorder. But it is often misused. The National Human Rights Commission (NHRC) has received a large number of complaints against the police behaviour during communal violence. The NHRC has also recommended disciplinary action against the delinquent police personnel.

In Independent India, after every communal riot a judicial inquiry under the Commissions of Inquiry Act, 1952, is generally announced. The object of such an inquiry is to bring the reality before the nation as to who could be responsible for the violence. These inquiry commissions examine the various aspects of the riots including the role of police and administration apart from fixing responsibility for failures of civil servants, especially the police, etc. The reports and observations of these inquiry commissions are valuable guide on police performance.

7.2 Police Prejudices: Some Explanation

Despite being an apparatus of the British Colonialism, the police role was not largely seen as communal and biased. The British police maintained a considerable level of impartiality in dealing with the issue of social violence and detentions. However, the majoritarian attitude of the Congress and the

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question of *communal settlement* raised by the Muslim League largely influenced and shaped the communal and prejudiced psychology of the police personnel also.²

The police force in most of the communal disturbances in India has displayed marked bias against minority communities. The aggressive police prejudice against Muslims and other minorities was seen at its worst in Sikhs massacre (1984); in Mumbai riots (1992-93); in Gujarat riots (2002); and in Orissa riots (2008) against the Christians community.

The police instead of performing their duty as an impartial enforcement force became passive or active participants in the acts of killings, destruction of property and places of worship, arson, loot and rape. The strong anti-Muslim bias of police has also been repeatedly proved in a number of communal riots. The prejudiced approach of police in Gujarat and in Orissa riots has been equally shameful.

The allegations of bias of the police against the minorities during periods of communal violence are not a new phenomenon. There are certain situations when this bias was so obvious that it surpassed all the limits of discipline which a enforcing agency is required to maintain. The government has never taken serious steps to remedy the situation.

In most of the communal riots police hardly brings those responsible for killings of minorities to book. They do not investigate cases properly and even forge records. The Madon Commission (1970) inquiry lambasted the police officers for forging the records in order to implicate some members of minority community. The Delhi police failed to register even First Information Reports (FIRs) during the Delhi riot in 1984.

² Arshi Khan, "Police Prejudices Against the Muslims" in A.A. Engineer & A.S. Narang (eds.), *Minorities and Police in India* 142 (Manohar Publishers & Distributors, New Delhi, 2006).

The *Hashimpura* (Meerut) episode (1987) is also considerable in which Uttar Pradesh (UP)-Central Investigation Department took eight years to complete the investigation of a case. It indicted 61 Provincial Armed Constabulary (PAC) and police personnel. The Bhagalpur riot (1989) is another glaring example of bias in reporting. In Gujarat riots (2002), police have also failed to book the real offenders responsible for the carnage.

The Report of Madon Commission (1970) regarding communal bias in the treatment of prisoners is the significant example. Justice Joseph Vithyathil Commission (1971) has also cited the communal bias in the behaviour of policemen in dealing with communal riots. The Commission stated that the Deputy Superintendent of Police (DSP) knew “what the attitude of the rank and file of the Hindu policemen was towards Muslims.”³ In Meerut riots (1987) when arrested Muslims were transported by bus from Meerut to Fatehgarh (Farrukhabad), they were attacked by inmates and Jail officials of Farrukhabad Central Jail and six of them were killed.

In 1983, N.C. Saxena carried out a study for the National Commission for Minorities (NCM) on the attitudes and perceptions of the Magistrates and senior police officers about various communities during riots. The perceptions of Magistrates and senior police officers are as follows:⁴

- (1) In all other previous riots in the country before the current riot, Muslims took the upper hand which resulted in huge loss to the Hindu community. Therefore, there is moral justification if in the current riot, casualties on the Muslim side are heavier;

³ A.G. Noorani, “Communal Riots and the Police” in Iqbal A. Ansari (ed.), *Communal Riots: The State and Law in India* 7 (Institute of Objective Studies, New Delhi, 1997).

⁴ Iqbal A. Ansari, “Police Partisanship During Communal Riots: Need for its Secularization and Pluralization” in Engineer & Narang, *supra* note 2 at 164-65.

- (2) Muslims are excitable and irrational people who are guided by their religious instincts. Hindus, on the other hand, are law abiding and cooperate with the police in controlling riot;
- (3) Riots take place in such districts where Muslims are either in a majority or they constitute a sizeable minority;
- (4) Riots are started by the Muslims and they invariably take the first opportunity to strike at the other community and the police; and
- (5) State Government attaches a great deal of importance in ensuring quick control of rioting. Since Muslims are aggressive, it is necessary that they are taught a 'lesson' through arrests, firing and third degree methods.

The study further reports that the PAC treats Muslims as monsters, criminals and suspects. It has lost faith among Muslims in the fairness of administration. They have started patronizing anti-social elements for their defence and in the recent riots, attacks on police from the Muslim side have also increased.

Mr. V.N. Rai (an ex-Indian Police Service officer), studied the role of the police in the Hindu-Muslim violence during the pre and post-Independence periods. His main findings with respect to the role of the police in these cases are as follows:⁵

- 1) An average policeman does not shed his prejudices and predetermined beliefs at the same time of his entry into the force, and this is reflected in his bias against Muslims during communal violence.

⁵ V.N. Rai, *Combating Conflict: Perception of Police Neutrality During Hindu-Muslim Riots in India* 127-28 (Manas Publications, New Delhi, 2008).

- 2) The perception by the Hindus and the Muslims of the police during communal strife is diametrically opposed. The Hindus view policemen as their friends and protectors during communal riots. The Muslims, by and large, consider policemen their enemies in similar situations.
- 3) Police behave partially during most riots. In all the riots discussed in the study, they did not act as a neutral law enforcement agency, but more as a 'Hindu force'.
- 4) Perceptible discrimination was visible in the use of force, preventive arrests, enforcement of curfew, treatment of detained persons at police stations, reporting of facts and investigations, detentions and prosecution of cases registered during riots. The Muslims suffered in all the above mentioned areas.
- 5) The expectations of Indian society from an average policeman are communal. They believed to be a protector of the interests of his community.
- 6) The inimical relationship between the police and the Muslims make them over-react in a confrontation like situation.

Rai held that on every occasion police have failed in their primary duty, whether in 1984 when thousands of Sikhs massacred all over the country, or in 1992 when the Babri Masjid in Ayodhya was demolished in full view of thousands of policemen. Both Saxena and Rai in their studies have pointed out prejudiced perceptions of the police including some officers about Muslims as the *demonical other*.

The above stated biased perceptions have been seen during all stages of communal disturbances such as intelligence gathering, search, seizures, arrests,

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use of force, imposition of curfew, reporting of facts, preparation of list of communal agitators, investigation, prosecution of offenders, and even in jails. These have been amply substantiated by inquiry reports. In these cases we find a clear communal discrimination on the part of police actions.

Today, the police force is highly communalized and these prejudices become powerful block in preventing communal violence. Several judicial commission reports on communal riots have indicted the police force for partisan conduct, e.g., the Madon Commission eight volume Report (1970) on the Mumbai-Bhiwandi-Jalgaon riots.⁶

In all communal riots, the police and the administration generally identified themselves with the majority community. In Mumbai riots (1992-93), 'the police officers and the constables openly said that they were Shiv Sainiks at heart and policemen of a supposedly secular state by accident'.⁷

The Report of Srikrishna Commission (1998) accuses the Mumbai police of 'built in bias' against Muslims which became more pronounced after attacks on the police force.⁸ What happened in Digras and Pusad towns of Yewatmal district of Vidharbha is a hair-raising story of police prejudice behaviour towards Muslims.⁹

The issue of police bias has been a subject of nation-wide debate in recent years particularly after Gujarat (2002) and Orissa (2008) riots. These riots have once again raised the question of police bias during communal riots which needs immediate solution.

⁶ Damning Verdict, *Report of the Srikrishna Commission on the Riots in Mumbai in December 1992 and January 1993* (Sabrang Communication and Publishing Pvt. Ltd., Mumbai, 1998). Also available at: www.sabrang.com/srikrish/antimin.htm

⁷ V. Krishna Iyer & H. Suresh, "No Justice to Communal Riot Victims" in Ansari, *supra* note 3 at 26.

⁸ *The Times of India*, August 7, 1998.

⁹ A.A. Engineer, "Terrorism, Communal Violence and Police", 15(404) *Nation and the World* 14 (October 1, 2008).

7.3 Police Behaviour During Communal Riots: A Brief Survey

The performance of police behaviour during communal riots has always been a matter of strong criticism by the impartial people. Instead of providing protection to the weak against the attacks of the rioters, the police were found siding with the later engaged in killing, looting, burning, etc. It is basically the behaviour of the police in communal riots which makes it as a rival.

The communal riots such as Ahmedabad (1969), Bhiwandi (1970), Tellicherry (1971), Varanasi (1977), Aligarh (1978 & 90), Jamshedpur (1979), Moradabad (1980), Meerut (1982 & 1987), Delhi (1984), Bhagalpur (1989), Mumbai (1992-93), Gujarat (2002) and Orissa (2008) have proved how police behaved with the minority communities and remained passive spectator for a long time.

The failure of police to protect the Sikhs in Delhi (1984); to protect the Muslims in Mumbai (1992-93) and in Gujarat riots (2002); and to protect the Christians in Orissa (2008); are dangerous phases in India. The perpetrators were aware that delay in police actions was the only opportunity to achieve their goals.

The behaviour of police during communal riots has always been questioned. The victims of communal riots keep on complaining that:¹⁰

- (1) The police did not come to their rescue;
- (2) Led the mob in looting and burning;
- (3) Encouraged the perpetrators to do whatever they liked;

¹⁰ A.A. Engineer, "Communal Riots and the Role of the Police: Some Case Studies" in Ansari, *supra* note 3 at 240.

- (4) Arrested innocent persons and tortured them inside the lock up;
- (5) Framed false charges against the arrested persons; and
- (6) Prevented the members of one community to move during the curfew and allowed the members of another community to do so with impunity.

After every communal riot, the above and some other grave charges are made against the police. Various reports of inquiry commissions on communal riots pointed out the failure of police and paramilitary forces. Not only they remained passive spectator but also became an instrument of terror in various parts of the country.

Various inquiry reports on communal riots help us to understand the role of the police in major incidents of communal violence. The researcher has tried to examine the role of police during the communal riots since 1969. For this the researcher has taken some particular communal riots 'between' 1969 to 2011, where police were criticized largely for its failures in dealing with communal riots on the basis of various judicial and non-judicial inquiry reports.

7.3.1 Ahmedabad Riots (1969)

The first largest communal riot after independence was that of Ahmedabad in 1969. This riot had shaken the entire country. Ajit Bhattacharjea observed in his investigation Report that "the police failed to take firm action for the first three days and that this was not a matter of slackness but of policy."¹¹

The Government appointed a Commission of Inquiry to inquire into Ahmedabad riots under the Chairmanship of Supreme Court (SC) Judge

¹¹ *Supra* note 2 at 148; see also Iqbal A. Ansari, "Partisan Police: Only Reforms Can Prevent Riots", *The Times of India*, April 16, 2002.

Jaganmohan Reddy. The Commission submitted its report in (1970). The Reddy Commission observed:¹²

- This Commission has cited more than half a dozen instances where Muslim religious places adjoining police lines or police stations were attacked or damaged. The argument advanced by the police officers that because they were busy quelling riots at various other places, these police stations were shorn of adequate strength and hence these attacks on religious places could not be stopped, did not impress the Commission. It has made this observation because not a single case of damage to a Hindu place of worship near a police station was reported to the Commission.

The Commission further stated:

- That the police lost the initiative, and once the situation got out of control at the very commencement of the riot, they were overwhelmed by the situation which confronted them.

7.3.2 Bhiwandi-Jalgaon Riots (1970)

In Maharashtra, there were communal riots at Bhiwandi, Jalgaon and Mahad in May 1970, resulting in a considerable loss of life and destruction of property due to arson and looting. The Report of Justice D.P. Madon Commission on Bhiwandi riots (1970) passed severe strictures on the role of police in Bhiwandi riots. The Madon Commission observed:¹³

- Several instances have been proved before the Commission in which police officers and policemen either did not prevent the Hindu rioters from indulging in rioting, looting or arson or showed communal discrimination in dealing with the rioting mobs, or gave incorrect information to the control room or lodged incorrect FIRs...

¹² “Crime Against Humanity: An Inquiry into the Carnage in Gujarat, Findings and Recommendations”, CCT 115 (Citizen for Justice and Peace, Mumbai, 2002, vol. II). See also the *Report of the Justice Jaganmohan Reddy Commission on the Ahmedabad Riots of 1969*.

¹³ *Supra* note 4 at 166. See also the *Report of the Justice D.P. Madon Commission on the Bhiwandi, Jalgaon and Mahad Riots of 1970*.

- Discrimination was also practiced in making arrests and while Muslims rioters were arrested in large numbers, the police turned a blind eye to what the Hindu rioters were doing. Some innocent Muslims were arrested knowing them to be innocent. Some innocent Muslims who went to take shelter at the Bhiwandi town police station were arrested instead of being given shelter and protection.
- The working of the Special Investigation Squad (SIS) is a study in communal discrimination. The officers of the squad systematically set about implicating as many Muslims and exculpating as many Hindus as possible irrespective of whether they were innocent or guilty...No investigation was conducted into the composition and activities of Hindu communal and allegedly communal organizations operating in Bhiwandi but only in respect of Muslim communal and allegedly communal organizations.

It was the opinion of the riot victims that the police sided openly with the rioters and miscreants. They not only aided and abetted the perpetrators, but also fired on the victims. There were many instances of looting of houses by the police and the State Reserve Police (SRP).

The Bhiwandi riots in 1970 had also spread to Jalgaon. Because of the large number of cases of arson and deaths of many innocent people, Jalgaon after the violence came to be known by the name of *Jal-gaon* (i.e., the burning town).

The Madon Commission made the following observations about Jalgaon riots (1970):¹⁴

- The real reason for the inadequacy of the measures taken by the authorities was the communal bent of mind of some officers and the incompetence of the others.
- No attempts were made to check the rioting and arson at *Joshi Peth*, though 54 Muslim houses were set on fire there and the flames could be seen even from a distance of two miles.

¹⁴ *Supra* note 4 at 167.

- At *Bhilpura* and *Islampura* the police concentrated their energies solely upon clearing the roads of the Muslims who had collected there in self-defence...Once again the only result was to leave the way free for the Hindu rioters to enter the Muslim localities and set fire to the Muslim houses.

7.3.3 Tellicherry Riots (1971)

The Report of Justice Joseph Vithyathil Commission has underlined the communal bias in the behaviour of policemen in dealing with riots.

The Vithyathil Commission observed:¹⁵

- Through the evidence of the DSP, he says that while on patrol duty he had to curb many among his rank and file who could not restrain themselves when they met Muslims on the road. Similar evidence was given by the sub-collector and other witnesses who have testified saying that while chasing away some Muslims many policemen yelled at them to go to Pakistan. At *Mattambaram* one or two of them got into the mosque and besides beating Haji Usman Kutty, a very respectable person, broke the tube-light and chandeliers in the mosque. There is nothing to show that there was any justification for this action...I am inclined to think that this was a high-handed act done by some policemen who made use of the opportunity to exhibit their anti-Muslim feelings...
- The Commission also stated that some of the victims who witnessed the incidents swear to the fact that policemen were standing nearby when the rioting took place and they did not do anything either to stop the rioting or to apprehend the culprits...

7.3.4 Varanasi Riots (1977)

The Report of Rafiq Khan and Satypal Mittal about Varanasi riots in 1977 stated:¹⁶

¹⁵ "Crime Against Humanity...", *supra* note 12 at 116. See also the *Report of the Justice Joseph Vithyathil Commission on the Tellicherry Riots of 1971*.

¹⁶ Rafiq Khan and S. Mittal, "The Hindu-Muslim Riot in Varanasi and the Role of the Police" in A.A. Engineer (ed.), *Communal Riots in Post-Independence India* 308-09 (Sangam Books, Hyderabad, 1991).

- On October 24 in broad day light despite a 24 hour curfew, a mob indulged in burning and looting the interior part of the Muslim locality behind which the Bengalis and Ahirs lived. Police took open part not only in looting and burning but also in demolishing mosques and tombs. Two grave-domes were completely erased and three mosques were so totally demolished that it is difficult to imagine that even a mob of a few hundred could have done such a thorough job within a few hours. The mob is widely believed to have been encouraged by the police to carry on the destruction for as many hours as they wished...Later in the night a great noise broke out when a large crowd of members of the PAC raided the Muslim areas of *Nai Sarak*. Hundreds of people including several old men and women were beaten indiscriminately. This was exclusively an attack by the police...

After few days the police played same drama of raiding and looting in *Jaitpura* locality at the other end of the town. A number of houses were raided and looted and many persons were arrested. The curfew was imposed only in Muslim areas, which were relatively quiet. During curfew, the police broke into the homes of Muslims, arrested all males (including children and old age people) and looted and destroyed property worth lakhs of rupees.

7.3.5 Aligarh Riots (1978)

About Aligarh riots, the Aligarh Citizen's Report stated:¹⁷

- Manak Chowk locality in Aligarh witnessed a gruesome tragedy. On October 5, 1978 two rickshaw pullers were hanged by a rope, tied to a tree and then consigned to the flames rising from a burning cart. In the adjacent Hindu localities of *Madargate* and *Rasalganj*, a young Muslim boy was shot dead and two others were burnt alive. The barbarity lasted from 5.00 p.m. till past nine in the night but no police reached there, although police control room was repeatedly informed of it on telephone...The area is located within one hundred yards of *Madargate* police post.

¹⁷ Iqbal A. Ansari, "Police Lawlessness During Communal Riots in India: A Sampling of Findings of Inquiry Reports" in Ansari, *supra* note 3 at 90.

This picture of police inaction is worsened when we read the following part of the People's Union for Civil Liberties (PUCL) and the People's Union for Democratic Rights (PUDR) Reports:¹⁸

- The team was convinced that the PAC resorted to firing indiscriminately...It was quite evident...that they fired deliberately at the Muslim houses. When we were inspecting the bullet marks..., 16 days after the firing, we could see the PAC personnel still posted on the roofs of some buildings with their rifles aimed at us and Muslim houses.

The Aligarh riot is a testimony how an infamous communal PAC men of sectarian attitude reacts to a communally oriented matter. With the 1978 Aligarh riots there has been a qualitative change in Muslim perception of the role of the police and State Paramilitary Force as being instruments of torture, oppression and discrimination rather than that of an impartial body charged with enforcing law and order during communal violence.

7.3.6 Jamshedpur Riots (1979)

The Judicial Commission of Inquiry under the Chairmanship of Justice Jitendra Narayan had commented adversely on the failure of the administration to comprehend the gravity of the situation preceding the riots.

Regarding the police firing and the casualties, the Commission observed:¹⁹

- Allegations have been made that the Bihar Military Police (BMP) fired recklessly and killed Muslims...Not a single Hindu could be identified as having been injured or killed as a result of 108 rounds fired by the BMP in 24 hours of firing, resorted to by the people for quelling the riots. When the Hindu mob had been

¹⁸ *Ibid.*

¹⁹ "Crime Against Humanity...", *supra* note 12 at 116. See also the *Report of the Justice J. Narain, Mr. S.K. Ghosh and Mr. S.Q. Rizvi Commission on the Jamshedpur Riots of 1979*, submitted on August 31, 1981.

driven away from the disturbed area, 9 Muslims were found dead in their homes...The Commission feels that the Compositions, training, discipline and leadership in the BMP leaves much to be desired...

During riots, the slogan, i.e., *yeh andar ki baat hai, police hamare saath hai* (it is an inside story that the police is on our side), was claimed and enjoyed by rioters who wanted to 'teach the Muslims a lesson'. Lapses on the part of the district administration turned a minor fight into the major communal riot.

7.3.7 Moradabad Riots (1980)

In the Moradabad riots of 1980 the PAC fired brutally on the innocent people at the *Idgah* feild and hundreds were shot dead. The PAC men looted or burnt shops and houses. The same happened in Meerut riots of 1982 & 1987. The partisan behavior was very much apparent.

The observations regarding Moradabad riots (1980) by Prof. Mushirul Hasan and Prof. Satish Saberwal reveal:²⁰

- The city's police, for long weeks, acted rather like a force organized to beat, loot and kill the Muslims. The PAC, in particular, collaborated with communal elements and goondas to bring about an open clash between Hindus and Muslims.

Policemen incited rioters to attack the Muslims, and the PAC allowed students to launch an organized assault on the Muslims of *Pul Pa'ar* colony where students burnt 15 persons. To generate the requisite fire among the Hindus, diverse rumours were planted...The rumour on August 14 that a certain PAC platoon had been wiped out by the Muslims persuaded other PAC men to kill 10 men who had been brought into the Kotwali by police by beating them to death with sticks.²¹

²⁰ S. Saberwal & M. Hasan, "Moradabad Riots 1980: Causes and Meanings" in Engineer, *supra* note 16 at 215-16.

²¹ *Id.* at 224-25.

On the intervention of Central Government, the PAC was withdrawn from the city and the Central Reserve Police Force (CRPF) was deployed. This was the starting of accusations against the police in general and the PAC in particular.

7.3.8 Meerut Riots (1982)

The PAC's role in 1982 Meerut riots was far from desirable. In this riot almost 70 innocent persons were shot dead by the PAC. In many places, the PAC behaved like a mob and committed atrocities. During riots, the PAC had opened fire indiscriminately at *Feroz* building, killing a large number of people.

In 1982, N.C. Saxena, the then Joint Secretary of the NCM reported after inquiry into the Meerut riots:²²

- As regards the first act of violence, which led to the riots, the district administration (DA) tried to give an impression that the riots broke out in Meerut town because the *pujari* of the disputed temple in mohalla *Shahgasa* was murdered on September 6, 1982. The aggressiveness of the Hindus, unlawful activities of the Hindu communal group and police inaction prior to the murder of the *pujari* was not highlighted in either the reports of the DA or in the national newspapers...Right from the beginning the DA saw the communal riot as instigated by the Muslims and the Hindu action as retaliation and therefore chose to take stern action against Muslims only...The orders from the senior officers in the district to the police could be summarized in one phrase: 'Muslims must be taught a lesson'. The PAC and the police faithfully implemented this policy. Looting and arson, in this context, was considered legitimate and necessary, and was therefore ignored. The DA was very keen to retain the PAC in the district and bitterly opposed suggestions for getting it replaced by CRPF or Border Security Force (BSF).

²² "Crime Against Humanity...", *supra* note 12 at 116.

7.3.9 Anti-Sikh Riots of Delhi (1984)

In the anti-Sikh riots of Delhi (1984), the death toll of the Sikhs in Delhi was 2,733 (official figures). During this violence, the attitude of the police was so atrocious that it cannot be merely called a prejudice. The police at all levels were busy demolishing the Sikhs. Police behaved even worse in East Delhi, according to the official figures, 1,026 Sikhs were killed.

The joint Reports of PUCL-PUDR,²³ “Who are the Guilty?” characterises the role of the police during riots as: (i) total absence from the scene; or (ii) a role of passive spectators; or (iii) direct participation; or (iv) abetment in the orgy of violence against the Sikhs.

On anti-Sikh riots, three inquiry commissions—Justice Rangnath Mishra Commission (1987), Justice Jain-D.K. Agarwal Committee (1990), and Justice R.S. Narula Panel (1994) submitted their reports and all inquiry commissions had unanimously indicted 72 police officers, two Union Ministers and one Congress MP. Kusum Mittal Committee found a large number of police officers guilty of misconduct.

Justice Rangnath Mishra Commission observed:²⁴

- The riots occurred broadly on account of the total passivity, callousness and indifference of the police in the matter of controlling the situation and protecting the people of the Sikh community. Several instances have come to be narrated where police personnel in uniform were found marching behind or mingled in the crowd. Since they did not make any attempt to stop the mob from indulging in criminal acts, an inference has been drawn that they were part of the mob and had the common intention and purpose...The Commission was shocked to find that

²³ *Supra* note 17 at 93-94.

²⁴ A. Vijapur and M. Haque, “Endangered Minorities in India: Understanding the Role of Police” in Engineer & Narang, *supra* note 2 at 116. See also the *Report of the Justice Rangnath Mishra Commission on the 1984 Anti-Sikh Riots in Delhi*, at 37 & 73.

there were incidents where police wanted clear and definite allegations against the anti-social elements in different localities to be dropped out while recording FIRs.

The National Democratic Alliance (NDA) Government appointed G.T. Nanavati Commission to inquire into the Delhi massacre afresh. Riots were 'ORGANISED', one Congressman instigating the anti-social elements to 'target the Sikh community' without any 'meaningful intervention' by the police, this is the import of the Report by Justice G.T. Nanavati on the 1984 riots. The Nanavati Commission observed:²⁵

- What happened in Delhi can happen anywhere in India and at any time because the police know no limits and politician no norms of behaviour. I have seen the same pattern in Gujarat and see many similarities between the happening in Delhi and Gujarat and I have no good word either for the politicians or the authorities.

The Commission found enough evidence to tell the nation some home truths such as: i) local Congress leaders had either incited or helped the mobs in attacking the Sikhs; ii) the systematic manner in which the Sikhs were killed indicated that the attacks on them were organized; and iii) lack of the fear of the police force was also one of the causes for the happening of so many incidents.

Nanavati points out that if the police had taken prompt and effective steps, "very probably so many lives would not have been lost and so many properties would not have been looted, destroyed or burnt."²⁶

He has also indicted the then Lt. Governor P.G. Gavai and then Police Commissioner S.C. Tandon for not controlling the situation. He has also mentioned some other junior police officers in different areas of Delhi in this

²⁵ Kuldip Nayer, "Fresh Light on 1984 Riots", 14(321) *Nation and the World* 8 (March 16, 2005).

²⁶ Kuldip Nayer, "The Truth is Not Yet Out", 14(332) *Nation and the World* 14-15 (September 1, 2005).

connection and has suggested reopening of some cases.²⁷ The Commission however, has not dealt with cases outside Delhi.

7.3.10 Meerut Riots (1987)

What happened in Meerut is simply unbelievable. For five days the PAC and police led mobs from May 19 to 23, 1987 which looted, burnt and killed. All this happened unchecked during the curfew hours. The PAC bullets protected fanatic mobs committing arson during broad day light. The PAC shot several people dead mostly those sitting in the 'security' of their houses in *Maliana* (Meerut). The massacre did take place in which no less than 78 persons were killed or burnt alive. The PAC took around 40 Muslim youths from *Hashimpura* took them in a truck to the banks of the upper Ganga canal near Muradnagar, shot them and threw them into it. The floating bodies were discovered after a few days and also two survivors told the gory tale, while 16 Muslims died in police custody.

Reports speak:²⁸

- The PAC men joined the mobs in looting and burning shops. When shop owners tried to protect their establishments, the PAC even provided cover to the arsonists. The PAC carried out house-to-house searches, and there were complaints that it was going about them in a most brutal manner, beating up men, abusing and molesting women.

The killings were universally condemned as pogroms and genocide.

Amnesty International (AI) Report observed:²⁹

- There is evidence to suggest that members of the PAC have been responsible for dozens of 'extra-judicial killings' and 'disappearances' in the Meerut area on May 22 & 23, 1987.

²⁷ Prem Kumar, "The Commission of Inquiry and Politics", *id.* at 16-17.

²⁸ "State and Communalism", 22(22) *Economic and Political Weekly* 823 (May 30, 1987).

²⁹ Ansari, *supra* note 17 at 94.

The AI Report gives the detail how the police scorn and atrocities were poured on innocent and helpless victims of Meerut riot.

Mr. Rai refers to the case of “horrifying non-professionalism of police behavior” in *Hashimpura* during 1987 riots. He observes that when, in spite of heavy deployment of police, PAC and even the army, riots could not be controlled in Meerut..., and they got fully convinced that the riots could be ended only by ‘teaching Muslims a lesson’.³⁰

7.3.11 Bhagalpur Riots (1989)

The Bhagalpur riots of 1989 took a toll of about 1,000 persons. In *Logain* out of the entire Muslim population of about 170 members, 116 Muslims were killed and their bodies were buried in three paddy fields and cauliflowers were grown over them. Later 108 bodies were recovered from the fields.

The entire operation massacre was conducted with instigation and under the supervision of Assistant Sub-Inspector of Police (ASI) Ram Chandra Singh. He kept on saying that “no Muslim should be allowed to escape.” In *Chanderi*, approximately 100 men, women and children who were handed over by BSF to BMP for safe custody were allowed to be murdered on October 27, 1989, in cold blood.³¹

The majority Report of the Commission observed:³²

- Admittedly hordes of Hindus, the number going up to thousands, attacked the localities and villages of Muslim inhabitants, but

³⁰ V.N. Rai, “A Study on Prejudiced Perceptions of the Police Causing Biased Actions against Muslims During Riots”, 9(3) *Human Rights Today* 6 (July-September 2007).

³¹ *Supra* note 17 at 95.

³² Ansari, *supra* note 3 at 8-9 & 96; see also the *Report of the Justice Ram Chandra P. Sinha and S. Shamshul Hasan Commission on Bhagalpur Riots of 1989*, submitted to the Government of Bihar on February 11, 1995.

nobody was arrested in the process of attacking an area...From the officers to ordinary police constables, and the smaller functionaries of the administration, barring a few exceptions, they were totally infected with an anti-Muslim bias. This is evident from the fact that every unlawful act succeeded, totally uninterrupted by any administrative interference...We would hold the Superintendent of Police of Bhagalpur, K.S. Dewedi, wholly responsible for whatever happened before October 24, 1989, on that day and after October 24. His communal bias was fully demonstrated by the manner in which he arrested Muslims and by his extending no adequate protection to them...Dohre, particularly, was responsible as much as Dewedi because he was all the time moving around the city. His communal bias is apparent from the famous incident during *Moharram* when he said that he would make Bhagalpur another *Karbala* (*ham yehan karbala bana dengey*) for which the District Magistrate (DM) of Bhagalpur had to seek an apology.

7.3.12 Aligarh Riots (1990)

In Aligarh riots, on the one hand, the PAC acted brutally against members of the minority community, on the other it totally abdicated its responsibility of preventing and controlling rioting when rioters attacked, killed and burnt persons from the other community.

About rumour that 78 persons including 28 patients in the J.N. Medical College of A.M.U., Aligarh had been killed, after the inquiry PUCL published its Report as:³³

- There is no doubt that the PAC killed a large number of Muslims...The part played by the PAC in the riot is indeed reprehensible. In several places we were shown the high terraces from which the PAC personnel had fired at fleeing Muslims. Even young Muslim children were thus killed by the PAC. At many places PAC fired at Muslims when neither (PAC) nor Hindus were attacked. The PAC acted as highly communalized force.

³³ *Supra* note 17 at 96-97; see also PUCL Report, "Communal Riots in Aligarh, December 1990-January 1991", 11(3) *PUCL Bulletin* 6-7 (March 1991).

The PUCL Report makes special mention of how a Hindu mob over 1,000 stopped *Gomti Express* around mid-day near the railway station and killed several Muslim passengers, when the area was under curfew. During most communal riots in Aligarh, police either deliberately absented itself from the scene of mayhem or terrorizing them by their selective or targeted killings in 1978 and 1990 as testified by the PUCL and PUDR Reports.

7.3.13 Delhi Riots (1992)

After Ayodhya incidents, the riots broke out at *Seelampur* and *Welcome* colony of Delhi in December 1992. These places saw ‘organised mob violence aided and abetted by the police’.

According to PUCL Report:³⁴

- Members of both communities had fallen victim to the violence. But the horrifying fact is that not only did the police make no attempt to control the mindless violence but they directly participated in looting and killings as well. It is noteworthy that those who died in police firings are almost without exception those belonging to only one community.

The Citizens for Democracy also stated that “police was responsible for arson, rioting and killing.” It further stated that out of 371 persons arrested for non-bailable offence, 321 were Muslims. Mr. Kuldeep Nayar made the observations about the police behaviour that it became either a mute witness or a party to violence.³⁵

7.3.14 Mumbai Riots (1992-93)

During the Mumbai riots of December 1992 and January 1993 the adverse role the police played in fomenting violence, was a great disaster for

³⁴ Ansari, *supra* note 17 at 98.

³⁵ *Ibid.*

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the country. The Mumbai riots have shown that a large part of the police force in Mumbai has been communalized. The police did not use teargas, water canon or rubber bullets, they shot to kill and 192 persons died in police firing.

Human Rights Watch (HRW) in its Report recalled that “transcripts of police radio conversations, obtained by journalists and shown to HRW; reveal an explicit disregard for Muslim safety.” In one recording the Mumbai Police control room told a mobile police unit, “don’t burn anything to a Maharashtrian, but burn everything belonging to a Muslim.”³⁶

The Indian People’s Tribunal (IPT), consisting of Justices S.M. Daud and H. Suresh, found police officers prima facie guilty of dereliction of duty. They observed in their Reports (*The People’s Verdict*):³⁷

- The police are also guilty of partisan in the riots. Many witnesses have stated before us that they were attacked in the presence of the police and the police did nothing...Several houses and shops were looted and the police have made no efforts to recover the looted articles. The Report also mentioned the cases of molestation of woman and of rape and gang-rape by the police.

The Report of the Srikrishna Commission (1998) testifies how ugly could be the face of communalism. This inquiry was so much clear, careful, fair and straightforward than the other inquiry. The Srikrishna Commission made the following observations in its Report.³⁸

- The Commission is of view that there is evidence of police bias against the Muslims, which has manifested itself in other ways like the harsh treatment given to them, failure to register even cognizable offences...That there was a general bias against the Muslims in the minds of the average policemen, which was

³⁶ E.A. Gargan, “Police Complicity in Bombay Riots”, 10(4) *Human Rights Today* 21 (October-December 2008); see also Noorani, *supra* note 3 at 10.

³⁷ *Supra* note 10 at 250; see also *The People’s Verdict*, at 103-05.

³⁸ *Supra* note 4 at 167-68. Also available at: www.sabrang.com/srikrish/antimin.htm

evident in the way they dealt with the Muslims and is accepted by the officer of the rank of Additional Commissioner, V.N. Deshmukh. This general police bias against Muslims crystallized itself in action during January 1993.

- Police officers and men, particularly at the junior level appeared to have an inbuilt bias against Muslims, which was evident in their treatment of the suspected Muslims and Muslim victims of riots. The treatment given was harsh and brutal and, on occasions, boarding on inhuman, hardly doing credit to the police. The bias of policemen was seen in the active connivance of police constables with the rioting Hindu mobs on occasions, with their adopting the role of passive onlookers, on occasions, and finally, in their lack of enthusiasm in registering offences against Hindus even when the accused were identified and post-haste classifying the cases in “A” summary.

The Commission pointed out the nexus between politicians and police in killing and looting and recorded various instances where police cruelty and bias left the minority community without any means of self-defence. The evidence before the Commission indicates that the police personnel were found actively participating in riots, incidents of looting, arson and so on.

The Srikrishna Commission too, like Madon Commission passed severe strictures against the then Assistant Commissioner of Police (CoP) Tyagi and 31 other officers for their crimes of omission and commission.

7.3.15 Gujarat Riots (2002)

The year 2002 was different for Gujarat. This time Gujarat administration has turned rogue. Never before has police force been as guilty of siding with the rioters as happened in Ahmedabad and the rest of Gujarat for three days. A large section of the Gujarat police was part of the mob engaged in burning, killing and lynching poor and helpless Muslims.

In 2002, the whole world witnessed a massacre of Muslims in Gujarat on a scale which can rightly be called Genocide according to article 2 of the ‘UN

Convention on Genocide’. Gujarat police has left an indelible scar on their own face. The Gujarat killings prove the communal consciousness of the police and their allied agencies. A number of reports make it clear that the police aided and abetted the rioters against the minority community.

On February 28, 2002 as careful planned mass killings were engineered in 30 different locations all over the state; 40 persons were shot dead by the police in Ahmedabad city out of which 36 were Muslims.³⁹ A newsman reported that in many places shops were looted and set on fire under the nose of the police...More than 15 incidents of ‘conversion’ of places of Muslim worship into Hindu temples, with the police remaining mute spectators...⁴⁰

The police opened fire at the Muslims rather at the attacking mob. In other cases, they turned a deaf ear to cries of help, or simply told women, in so many words, that they did not have ‘orders from above’ to help them. The message was clear—‘protecting Muslims is not our responsibility’.

A number of inquiry reports have been produced in connection with a major case of anti-minority violence in Gujarat in 2002 such as Concerned Citizens Tribunal (CCT) on Gujarat-2002, the Report of NHRC, the Reports of PUCL, the Report of Vadodara Shanti Abhiyan (VSA), the Report of PUDR, the Report of Women’s Delegation, the Report of AI, etc.

The lack of preparation on the part of the police and the administration to prevent the Godhra incident and the lack of willingness to prevent the subsequent violence across the whole state against the minority community was clearly brought out in these reports. The researcher has tried to analyse the outcome of these reports by citing certain observations.

³⁹ Vijapur and Haque, *supra* note 24 at 118.

⁴⁰ K.S. Subramanian, *Political Violence and the Police in India* 79 (Sage Publications, New Delhi, 2007).

Report of the Concerned Citizens Tribunal on Gujarat-2002

The Citizens' Tribunal⁴¹ noted that although Gujarat has had a long history of communal riots, what happened in 2002 was unique. It was a communal riot in the conventional sense. The Tribunal declared that the Gujarat carnage was no ordinary event, but amounted to Genocide under the 'UN Convention on Genocide' signed (but not ratified by India). It was also clear to the Tribunal that the violence could have been prevented, if the administration and the police had not opted for motivated partisanship.

The Tribunal after collecting oral and written testimonies from individuals and organizations and from victim-survivors between May 2 & 13, 2002 prepared a detailed report on Gujarat killings, which reads:⁴²

- Evidence before the Tribunal shows that in the later phases of violence, vulgar and brutal behaviour of the police with women of the minority community was recurrent... Apart from physical beatings, Muslim women were subject to sexual and communal threats; policemen used highly abusive language before they vandalized their homes. Evidence shows that women have suffered the most bestial forms of sexual violence including rape, gang rape, insertion of objects into their bodies, stripping, molestation, etc. A majority of women who suffered this violence were then burnt alive. These crimes against women have been grossly underreported and these attacks have been carried out in the presence of the police and other state authorities.

Evidence before the Tribunal clearly establishes the absolute failure of large section of the Gujarat police to fulfill their constitutional duty and prevent mass massacres, rape and arson—in short, to maintain law and order. Worse still is the evidence of their active connivance and brutality, their

⁴¹ The Gujarat carnage was investigated by an Eight-Member Citizens' Tribunal headed by Justice V.R. Krishna Iyer, which submitted a three volume report on the subject.

⁴² Teesta Setalvad, "Godhra: Crime Against Humanity" in S.I. Wilkinson (ed.), *Religious Politics and Communal Violence* 120 (Oxford University Press, New Delhi, 2005).

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indulgence in vulgar and obscene conduct against women and children is in full public view.⁴³ It is as if, instead of being impartial keepers of the rule of law, they were a part of the Hindutva brigade targeting helpless Muslims.

The features of police behaviour during Gujarat Riots of 2002 briefly noted by the Tribunal were:⁴⁴ (i) Police participation in the violence; (ii) Illegal registration of FIRs; (iii) Omnibus FIRs; (iv) FIRs without names of the accused; (v) Deliberate obfuscation of the identity of the accused; (vi) Victimization of the minority community; (vii) Unprofessional investigations; (viii) Real culprit not arrested; (ix) No identification parades; (x) Malicious combing operations in minority community areas; (xi) No relief to rape victims; (xii) No action against errant media publishing legally actionable reports; (xiii) No action against the Vishwa Hindu Parishad (VHP)/Bajrang Dal (BJD) activists behind the violence; (xiv) Non-implementation of the recommendations of the NHRC; (xv) Non-use of the ‘Disturbed Areas (Special Courts) Act 1976’; and (xvi) Non-use of the ‘Prevention of Damage to Public Property Act, 1984’; and so on.

The police misdirected the terrorized people and led them towards armed mobs waiting for assault. The SRP was very complacent and indifferent saying, “we have been given orders to do nothing for 24 hours in Naroda.” Women pleaded with the police/SRP to stop acting partially and save the children at least. They begged before these policemen, laying their children at their feet, but it made no difference to them. The CCT-Gujarat therefore, observes that this disturbing trend of partisan, communal and anti-constitutional police behaviour has grown over a time. Even prior to the Gujarat killings, the police have almost always been charged with unprofessional and partisan conduct.

⁴³ For the role of police during Gujarat carnage against women and children, see “Crime Against Humanity...”, *supra* note 12 at 38-43.

⁴⁴ *Supra* note 40 at 185.

Amnesty International Report

The AI Report⁴⁵ stated that in many cases attempts to hold the perpetrators accountable were hampered by the highly defective manner in which police recorded complaints. Victims complained that police failed to register complaints, or recorded details in such a way as to lead to lesser charges, omitted the names of prominent people who were pivotal in the attacks, and did not take appropriate action to arrest suspects. The Report indicated that out of 4,252 complaints filed by individuals regarding the communal violence, 2,032 were closed even though the alleged abuses were found to have occurred.

AI in its Report (January, 2005)⁴⁶ cited numerous cases where police are reported to have stood by or actually participated in acts of sexual violence against Muslim women.

Report of the National Human Rights Commission

Justice J.S. Verma, the then Chairman of the NHRC was appalled by what he saw in Gujarat and the manner in which the police was used to retaliate against the minority community. According to the NHRC the Gujarat carnage was state-backed massacre in which the police actually joined the rioters.

In its final order on Gujarat, dated May 31, 2002, the NHRC noted that “the State had a primary and inescapable responsibility to protect the rights to life, liberty, equality and dignity of all of those who constitute it.” It added that there was a comprehensive failure to protect the rights to life, liberty, equality and dignity of the people of Gujarat...⁴⁷

⁴⁵ See PUCL Bulletin, 24(8) (August 2004) at 2-5.

⁴⁶ “India: Justice, the Victim-Gujarat State Fails to Protect Women From Violence”, *AI Index: ASA* 20/001/2005 (January 27, 2005). Available at: www.amnesty.org/2005

⁴⁷ *Supra* note 40 at 187.

Taking note of the earlier reports of inquiry commissions in clear and categorical terms, the NHRC identified the mistakes of the police. The NHRC went on to argue that the Second Report (1978) of the National Police Commission (NPC) recalled and examined the work of previous inquiry commissions to look into major incidents of communal violence, and reached the conclusion that there was a ‘pattern in the failure’ to deal effectively with the outbursts of communal violence.

Report of the People’s Union for Democratic Rights

The PUDR Report takes the position that the civil liberties of the people were violated. There was absence of rule of law. The Report states:⁴⁸

- What is evident in all is the refusal of the State in Gujarat to protect the right to life and liberty of a large number of citizens in the course of the post-Godhra carnage...The state did not really fail in Gujarat—it deliberately suspended the rule of law, and violated the rights of the people and continues to do so. It has also to be held accountable.

Reports of the PUCL and Vadodara Shanti Abhiyan (VSA)

The joint Reports of the PUCL & VSA stated:⁴⁹

- (1) Police absent at the time of attack;
- (2) Police informed but inactive;
- (3) No response from police;
- (4) Police present and actively involved; and
- (5) Police did not prevent incident.

⁴⁸ Rakesh Gupta, *Terrorism, Communalism and Other Challenges to Indian Security* 304 (Gyan Books, Delhi, 2004).

⁴⁹ Siddharth Varadarajan, *Gujarat: The Making of a Tragedy* 191 (Penguin Books India Pvt. Ltd., New Delhi, 2002). See also “Violence in Vadodara, A Report”, *PUCL and VSA Reports* 132-35 (May 2002).

The partisan, communal role of the Gujarat police continued long after the first spate of brutal massacre. In Vadodara, brutal treatment of Muslim women by the police continued until early May 2002.⁵⁰ In Vadodara, PUCL has documented innumerable instances of police brutality against Muslims, especially during combing operations, which seem to have been little more than an excuse to terrorize Muslims.

Women's Delegation Reports

A six-member team of women undertook a five day fact-finding mission from March 27 to 31, 2002 to assess the impact of the continuing violence on Muslim women in Gujarat. The team found compelling evidence of the most extreme form of sexual violence against women during the first few days of the carnage—in Ahmedabad on February 28 & March 1, 2002 and in rural areas up to March 3, 2002. The testimonies point to brutal and depraved forms of violence.⁵¹

A team of women activists from different countries like France, Germany, United Kingdom, Netherlands, Sri Lanka and India also visited Gujarat and wrote a Report, “Threatened Existence—A Feminist Analysis of the Genocide in Gujarat.” According to Rhonda (one of the panelists), sexual violence played a fundamental role and was used ‘as an engine of the mobilization of hatred and destruction’. The Report says:⁵²

- Sexual assaults were not just random or isolated incidents. They were widespread and pre-planned. In Gujarat it is clear that all events, including the mass use of rape and sexual assault, occurred

⁵⁰ Varadarajan, *id.* at 191-92; see also Jahnvi Contractor, “Women Not Spared by the Police”, *The Times of India*, Ahmedabad, May 3, 2002; and Jahnvi Contractor, “Women Protest Police Atrocities in Vadodara”, *The Times of India*, Ahmedabad, May 6, 2002.

⁵¹ Aziz Burney, *India Lose Freedom: Gujarat 2002, The Turning Point of Indian History* 145 (Indian Publishers’ Distributors, Delhi, 2005).

⁵² See *PUCL Bulletin*, 24(2) (February 2004) at 10-11.

with the knowledge of highly placed state actors, and in many instances, were carried out with full participation and support of the police. There are many witnesses to the fact that the police often hit the stomachs of pregnant women in so called combing operations.

Justice Nanavati and Akshey Mehta Commissions were appointed to inquire into the Gujarat riots of 2002. According to Justice Nanavati, who wrote the 1984 anti-Sikh riots Report, there was no difference between what happened in Delhi and Gujarat. In the first, Sikhs were the victims, in the second, Muslims. At both places, he found ample evidence to infer that some politicians and the police looked the other way when the crimes were committed. The pattern was the same: ‘The state was on the side of rioters and the entire killings and looting was systematically organized and executed’.⁵³

Gujarat has witnessed scores of instances where the police force connived in the rioter’s violence. It is axiomatic that the mass violence against the minorities could not happen without the indulgence and even active support of the police. What happened in Gujarat in 2002 has stirred the conscience of all thinking policemen. The Gujarat killings once again exposed the trend of the police to follow the line of least resistance to please their political bosses.

The shameful and brazenly partisan conduct of the police in the Gujarat killings is a blot on Indian democracy and Indian secularism. Our democratic and secular credentials are truly tested only in times of such acute crises. In such situations, the police have been utterly partisan and communal, repeatedly failing to protect and even themselves trampling on the fundamental rights (FRs) of India’s religious minorities. This trend needs to be dealt with urgently and comprehensively.

⁵³ Kuldip Nayer, “Contacts Can Curb Communalism”, 14(333) *Nation and the World* 5 (September 16, 2005).

7.3.16 Orissa Riots (2008)

In Orissa in August 2008, anti-Christian violence began on a big scale. The riots in Kandhamal district of Orissa and some adjoining districts are indeed hair rising. Orissa is another Gujarat both in brutalities and terrorization of minorities after Delhi. First Sikhs; second Muslims and now Christians are being so brutally targeted.

In Orissa violence, more than 300 villages were burnt, over 4,000 houses were completely destroyed, at least 100 small and big churches had torched, and 50,000 Christians hidden themselves in forests for a week and then fled from their villages to relief camps. In violence, 40 Christians were killed, a nun was gang-raped, and women burnt beyond recognition, religious men and women personnel humiliated, beaten, tortured, while policemen looked on or absented themselves.⁵⁴

The case of Orissa was specifically investigated by the IPT, led by Justice K.K. Usha (retired) of Kerala High Court. The Tribunal noted that “minorities are being grossly ill treated; there is gross inaction of the State Government to take action.”⁵⁵

7.3.17 Bharatpur Riots (2011)

It was an open dance chilling in Gopalgah (Bharatpur district) in Rajasthan on September 14, 2011.⁵⁶ In Bharatpur riots also, the main problem was same that happens during any communal riot. Once again police targeted Muslims and fired upon them even inside mosque. Two hundred nineteen rounds were fired by the police during the riots and nine people were killed

⁵⁴ “Hindutva Violence Against Christians”, 10(3) *Human Rights Today* 22 (July-September 2008).

⁵⁵ Ram Puniyani, “Then they Came for Christians...”, *supra* note 8 at 20.

⁵⁶ The Bharatpur riot broke out on September 14, 2011 over a 42 year old dispute for six bighas land near Graveyard. Some reports were reported that the land was already allotted to Muslims and the Gujjars were trying to capture it by force. It took communal colour.

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while nine more were missing. Twenty three people were injured. All the victims of the communal riots were belonging to the minority community.

Several shops were gutted in violence. Human rights activists condemned the police brutality and were asking for judicial enquiry and justice for the victims. The eyewitnesses reported that not only the police fired on the Muslims but they poured the kerosene oil on at least four Muslims and set them afire inside the mosque in the village.⁵⁷

The NCM Report⁵⁸ highlighted the “clearly partisan manner” adopted by the local police in dealing with communal violence. Rather than controlling the communal riots the police allegedly opened fire on Muslims, killing 9 of them. In its preliminary Report sent to the Chief Minister (CM) Gehlot, the NCM highlighted the “use of excessive force by police” and the fact that police could have prevented the situation from spilling beyond the control, had it acted in a judicious manner.

The NCM chief, Wajahat Habibullah said that there has been a failure of administration. The local administration and the police could have acted earlier to prevent the clashes. It was also possible for the police to have acted with greater discretion. The police should have immediately taken action against those who assaulted the Imam of the mosque. The police used force greatly in excess. Firing on the mosque should not have been resorted to at all. The police were clearly partisan during riots.⁵⁹

Wasn't India looking like the most uncivilized nation in the contemporary world for this protracted period of fascist violence? Can we ignore the words of Mahatma Gandhi, who once said: “A civilization can be

⁵⁷ Available at: www.nvonews.com

⁵⁸ Mohammad Ali, “Bharatpur Riot: Minority Commission Indicts Gehlot Government”, October 4, 2011. Available at: www.twocircles.net

⁵⁹ *Ibid.*

judged by the way it treats its minorities?"⁶⁰ No doubt, our secular democracy is in danger at the hands of the police. It is right time to take remedial measures to civilize our police force.

7.4 Concluding Remarks

There is clear evidence from various reports and studies that the role of the police during communal riots has been far from satisfactory. It is also established that a large section of police officers have not just failed to control riots but have actually given the perpetrators their active support. Most inquiry commissions have confirmed the negative role of the police in communal riots and pointed out that the police were partisan in favour of the majority community. All Commissions have established that the police either actively participated or stood silently as the violence went on.

The pattern of the police involvement in communal riots have also been noted by the Second (1978) and Sixth (1981) Police Commission Report and the Report of the National Integration Council. The indictment of police for its partisan role in the handling of communal riots by various inquiry commissions is a matter of grave concern for the senior leadership of police in India. Several reports on communal riots also laid down fairly stringent guidelines for police functioning in a communally sensitive situation.

However, it is unfortunate that despite evidence of the total abdication and dereliction of duty, till date neither effective follow-up action has been taken by the authorities on the findings of the judicial inquiry reports to remedy the situation nor sincere corrective measures have been taken.

The basic findings of the Srikrishna Commission are important from the policy perspective. Neither the recommendations of the NPC nor those of the

⁶⁰ Vijapur and Haque, *supra* note 24 at 119.

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Srikrishna Commission have yet been implemented. In spite of clear findings of number of inquiry commissions, no ruling party has showed the moral courage to legislate on a Statutory Police Commission with an independent structure and an autonomous grievances cell to investigate cases against police misconduct. It is very important that steps to reform the police force are placed on the national plan for debate and to enact a fresh law soon.
